THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.12832 of 2007

Dated:25.06.2007

Between:

Patibandla Sitaravamma and another.

…Petitioners

and

Tahasildar, Burgampad, Khammam District.

…Respondent

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.12832 of 2007

ORDER:

The first petitioner statedly purchased land admeasuring Ac.0.30 cents 36 square yards in Survey Nos.368/10 and 368/11 situated at Laxmipuram Village of Burgampad Mandal in Khammam District, from Smt.Surampalli Leelakumari under a registered sale deed dated 10.05.1993. The first petitioner gave the said land to her son, who is the second petitioner herein, and they are in possession of the same. They allegedly constructed a tin shed house and are staying there duly paying the property tax for the said house bearing No.1-87/5. The Tahasildar, Burgampad Mandal, sole respondent herein, initiated action under Section 4 of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977, and issued notice in
Form-II under Rule 3 of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Rules, 2007. The petitioners submitted explanation on 26.04.2007, and the respondent is yet to pass orders. In the meanwhile, it is alleged that the Revenue Inspector came to the petitioners and directed to vacate the land. It is also alleged that the staff of the respondent visited the premises on 12.06.2007. Apprehending forcible dispossession, the petitioners invoked the jurisdiction of this Court under Article 226 of the Constitution of India.

After hearing the learned Counsel for the petitioners and the learned Assistant Government Pleader for Revenue (Assignment), this Court is convinced that the Writ Petition is misconceived. It is axiomatic that against a show cause notice, especially, when an enquiry is pending before the authority, a Writ Petition would not lie. The petitioners have already submitted explanation, and the respondent has to pass orders pursuant to the show cause notice. This Court also observes that unless and until an

adverse order is passed against the petitioners, if the petitioners are in possession of the subject land, they cannot be dispossessed. The respondent shall pass appropriate orders within a period of three weeks from the date of receipt of a copy of this order.

The Writ Petition, with the above observations, is accordingly dismissed. No costs.

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(V.V.S.RAO, J)

25.06.2007

Note: Issue C.C in one week.

B/o.

vs